IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33983 of 2008
NARAYAN KAMTEE
Versus

THE STATE OF BIHAR
- - - -

2. 13.8.2008 Heard.

The earlier prayer for bail appears dismissed by this Court as appears from the rejection order in Cr. Misc. No. 8771 of 2007. The petitioner approached this Court again through Cr. Misc. No. 52774 of 2007 and he was directed to move the lower court first. The petitioner approached the lower court and it has refused the prayer for bail.

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The contention is that the charges were framed on 16.2.2008 and till date no witness has been produced in support of the charges and the petitioner remains confined since 6.9.2006. The courts could issue processes if they are requested to do so by the Public Prosecutors or even on their own but it is not that they have to bring the witnesses to the witness box. The procedures are there and it is too well known to be noted down that either they are not taking proper interest or they are fully woe.

In the above background, I direct the learned trial Judge to have a glance of the decision of the Apex Court in the case of Shailendra Kumar Vs. State of Bihar: A.I.R. 2002 S.C. 270 and issue a notice to the Officer-m-charge of Hathauri Police State attaching therewith a list of witnesses with full details to remain physically present on all dates with the witnesses. I believe that the court will do it and I am sure that the witnesses could be produced. If the Officer-in-charge does not take any steps then the court knows its power as to how to deal with such situation.

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Kanth

(Dharnidhar Jha, J.)

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